



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Vacate Public Utility Easement at 2309 West Kettleman Lane

MEETING DATE: June 1, 1994

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt the attached resolution vacating the public utility easement at 2309 West Kettleman Lane, a portion of Parcel 5 as shown on Book 18, Parcel Maps, Page 168, San Joaquin County Records.

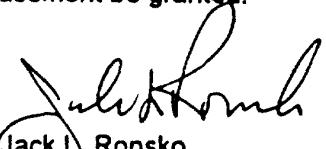
BACKGROUND INFORMATION: Phillippi Engineering, on behalf of BDC Lodi Plaza, L.P., the property owners, has requested the City to abandon the public utility easement shown on the attached map to allow revisions to proposed building plans. The 10-foot easement contains installed utilities never activated into service. The property owner will relocate these utilities, at their expense, in conjunction with the building construction. The dedication of another public utility easement to accommodate the required services within Parcel 5 is being processed. The new easement is relocated to the north of the proposed abandonment.

Under the Streets and Highways Code, the legislative body of a local agency may summarily vacate an easement by adopting a resolution of vacation under specific cases. One of those is that "the easement has been superseded by relocation and there are no other public facilities located within the easement" (Streets and Highways Code, §8333(c)). This procedure does not require Planning Commission referral.

The owners have paid the required fees to process this abandonment. Pacific Bell, PG&E, King Videocable Company, and City utilities have been notified of this proposed abandonment and their approval has been secured.

To expedite the permit processing for this developer, this Department, therefore, recommends that the request to summarily abandon this easement be granted.

FUNDING: Not applicable.


Jack L. Ronsko
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician

JLR/JM/im

Attachments

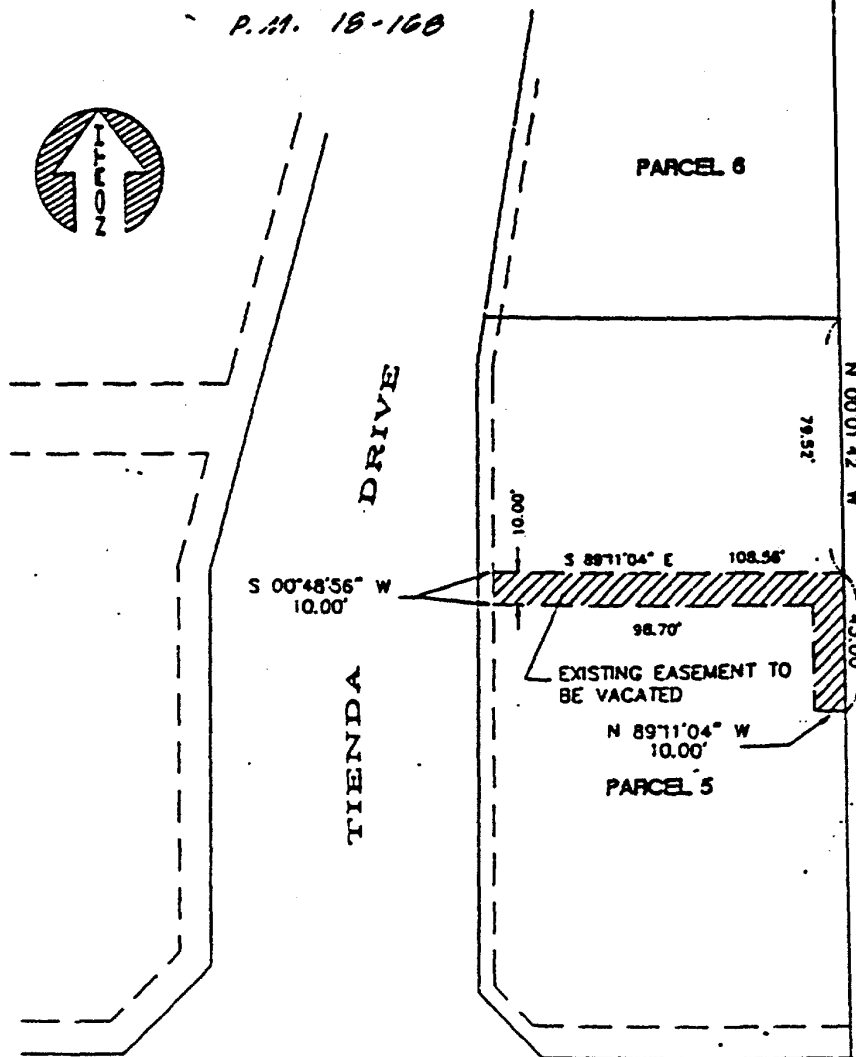
cc: City Attorney

APPROVED


THOMAS A. PETERSON
City Manager



P.M. 18-168



EASEMENT VACATION PLAT

A PORTION OF
PARCEL 5 AS SHOWN ON
BOOK 18, PARCEL MAPS, PAGE 168
SAN JOAQUIN COUNTY RECORDS

Job No. 940250-L
Drawn By 98
Checked By GLC

PHILLIPPI ENGINEERING, INC.
CIVIL ENGINEERING—LAND SURVEYING
425 MERCHANT STREET, YACAVILLE, CA 95688
(707) 451-6556

Scale 1" = 40'
Date 3-24-94
Sheet 1 of 2

RESOLUTION NO. 94-60

A RESOLUTION OF THE LODI CITY COUNCIL
VACATING PUBLIC UTILITY EASEMENT AT 2309 WEST KETTLEMAN LANE

WHEREAS, on January 8, 1993, there was dedicated an easement for public utilities located at 2309 West Kettleman Lane, Lodi, more particularly described as follows and delineated on the attached map:

2309 West Kettleman Lane, a portion of Parcel 5 as shown on Book 18, Parcel Maps, Page 168, San Joaquin County Records. ; and

WHEREAS, the owners of 2309 West Kettleman Lane have requested that the City of Lodi abandon such easement; and

WHEREAS, such easement has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the Streets and Highways Code of the State of California, Sections 8330 and 8333 provide that the legislative body of a local agency may summarily vacate a public service easement if the easement has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, pursuant to the requirements of Government Code Section 27288.1, the name of the owner of the title or interest 2309 West Kettleman Lane as it appeared at the time and in the document creating the interest, right or encumbrance is as follows:

BDC Lodi Plaza, Limited Partnership (L.P.)
Browman Development Company, Inc., General Partner
Darryl Bowman, President

WHEREAS, in accordance with Streets and Highways Code Section 8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

That the public utility easement located at 2309 West Kettleman Lane be vacated; and

That from and after the date this resolution is recorded, such easement will no longer constitute a public service easement.

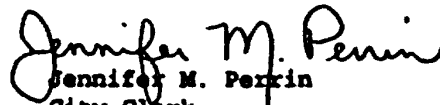
Dated: June 1, 1994

I hereby certify that Resolution No. 94-60 was passed and adopted by the Lodi City Council in a regular meeting held June 1, 1994 by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Snider
and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - None


Jennifer M. Perrin
City Clerk

94-60